

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

PAREKH VISHAL

PETITIONER

V.

CIVIL ACTION NO. 5:20-CV-113-KHJ-MTP

WARDEN SHAWN R. GILLIS

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Michael T. Parker. [12]. That Report recommends that the Court sua sponte dismiss Petitioner's Petition without prejudice for failure to prosecute. Written objections to the Report were due by June 1, 2021. The Report notified the parties that failure to file written objections to the findings and recommendations by that date would bar further appeal in accordance with 28 U.S.C. § 636. [12] at 3. Petitioner Parekh Vishal has filed no timely objection.

When no party has objected to a magistrate judge's report and recommendation, the Court need not review it de novo. 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Vishal filed his Petition [1] on April 21, 2020, reflecting his address was Adams County Correctional Center, P.O. Box 1600, Washington, Mississippi. On December 14, 2020, the Clerk of the Court mailed an Order [8] to Vishal at his address of record. But the mail was returned as undeliverable. *See* [9].

The Court warned Vishal that failure to keep the Court informed of his current address will result in dismissal of his case. [2] at 2. The Court raised Vishal's failure to update his address in its Order to Show Cause and ordered Vishal to show cause why the action should not be dismissed for failure to comply with the Court's order. [10]. Receiving no response from Vishal, the Magistrate Judge entered his Report and Recommendation, finding Vishal's failure to prosecute warranted dismissal without prejudice. [12].

After review of the record, the Court, being fully advised in the premises, finds that the Report and Recommendation is neither clearly erroneous nor contrary to law, and should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [12] of United States Magistrate Michael T. Parker, entered in this cause should be, and the same is, adopted as the finding of this Court. This action is DISMISSED WITHOUT PREJUDICE for failure to prosecute.

A separate Final Judgment will issue this day.

SO ORDERED, this the 8th day of June, 2021.

*s/ Kristi H. Johnson*  
UNITED STATES DISTRICT JUDGE